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DAMAGES FOR DEATH FROM ANTHRAX-INFECTED SHAVING BRUSH DISALLOWED.

The following abstract of a court decision is taken from the advance sheets of the Federal Reporter, issue of May 13, 1920.

"Included in an order for goods from a mail-order house, by a number of neighbors, was that for a shaving brush, which was ordered by a lady at her husband's request. In shaving, after using the brush, he accidentally cut himself slightly with his razor, and became inoculated with anthrax germs, with which the brush was charged, and died from the effects. An action was brought by the widow and minor children, based upon the breach of an alleged warranty contained in the catalogue from which the goods were ordered. The action, which was to recover \$30,000, was removed to the federal court, where plaintiff had judgment. The Circuit Court of Appeals, Fifth Circuit, reversed the judgment in *S. H. Kress & Co. v. Lindsey*, 262 Federal Reporter, 331.

"In the opinion, written by District Judge Ervin, it was held that there was no such contractual privity between the seller of the brush and purchaser's widow and children as to give the latter a right of action for breach of alleged warranty, nor any survivorship to them under any breach of warranty directly to the purchaser himself, and to recover under the Mississippi death statute (*Laws Miss. 1914, c. 214*), it must appear from the complaint that the dealer knew of the infection in the brush, or was guilty of some negligence, and that a complaint which merely alleges breach of warranty can not be treated as sufficient under the statute."

The Public Health Service is unable to supply the demand for bound copies of the Public Health Reports. Librarians and others receiving the Public Health Reports regularly should preserve them, as it will probably not be practicable to furnish bound copies on individual requests in the future.